

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :

Plaintiff, : Case No. 3:13cr003

vs. : JUDGE WALTER HERBERT RICE

RAJA THOMAS, :

Defendant. :

DECISION AND ENTRY OVERRULING DEFENDANT'S ORAL MOTION FOR RELIEF FROM DETENTION ORDER; DECISION AND ENTRY CONTINUING MOTION TO SUPPRESS EVIDENCE HEARING SET FOR MARCH 21st, 2013; ORAL AND EVIDENTIARY HEARING SET ON DEFENDANT'S MOTION TO SUPPRESS WITH DEFENDANT'S NEW COUNSEL: TRIAL DATE AND OTHER DATES CONTINUED UNTIL RESOLUTION OF PENDING MOTION TO SUPPRESS EVIDENCE

On January 31st, 2013, the captioned cause came on to be heard on the Defendant's oral motion for relief from detention. Said hearing consisted of both oral argument and the presentation of evidence.

Based upon the arguments and the evidence put forward on the aforesaid January 31st, 2013, as well as upon a thorough review of the United States Pretrial Services Report of December 18, 2012, this Court finds said motion for relief from detention order to be not well taken and same is, therefore, overruled in its entirety. In ruling as aforesaid, the Court notes the following:

While the Defendant's past criminal record is not overly serious, in terms of prior felonies are concerned, the Defendant has numerous warrants having been issued for failure to comply or failure to appear on earlier charges, he lacks verifiable employment and has a significant substance abuse history. Moreover, it appears the Defendant has a prior fugitive warrant from Campbell County, Tennessee, for possession of marijuana and drug paraphernalia in 1997. Given that the Defendant has been indicted, a duly impaneled grand jury having found probable cause, of an offense in Count 1 that carries a maximum term of imprisonment of ten years or more (indeed, the maximum sentence on Count 1 is life imprisonment), coupled with the above-referenced factors, causes this Court to conclude that Defendant has failed to rebut the presumption set forth in 18 U.S.C. Section 3142(f) that no condition of combination of conditions will reasonably assure the safety of the Defendant as required and the safety of any other person and the community. Accordingly, the Defendant's oral motion for relief from detention order is overruled.

The Defendant's motion to suppress evidence (Doc. #21) was to come on for oral and evidentiary hearing on March 21, 2013. However, a new counsel has entered the captioned cause in representation of Defendant. With that in mind, the Court sustains Defendant's motion to continue (Doc. #24) the motion to suppress hearing and the trial date of March 18, 2013. A new trial date will be set at the conclusion of the oral and evidentiary hearing on the motion to suppress, set for May 23, 2013, at 10:00 a.m.

March 25, 2013



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of record